

In re Appln. of ANDRIESEN
Application No. 10/628,618

REMARKS

Reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Summary of the Application

Claims 1-3 and 12-22 and 25-29 are currently pending, with claims 4-11 previously being withdrawn, without prejudice. In particular, claims 1-3, 13, 14, 16-22 and 25 are currently amended, with claims 28 and 29 being newly presented. The amended claims, and new claims 28 and 29, are based on other claims as originally filed and the specification, and as such do not introduce any new matter into the application.

Summary of the Office Action

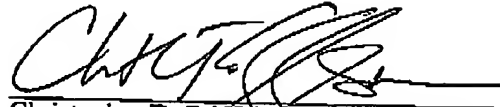
The final Office Action of April 20, 2005, opens by rejecting claims 1-3 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In response, Applicants have returned the language subject to the rejection to that set forth in the specification as filed. This language, "wherein said nano-porous metal oxide further comprises a phosphoric acid or a phosphate," describes the claimed nano-porous metal oxide as comprising a phosphoric acid alone, a phosphate alone, a phosphoric acid with at least one other component (e.g., a phosphoric acid) or a phosphoric acid with at least one other component. Entry of this amendment, and withdrawal of the Section 112 rejection, is respectfully requested, as the claims are fully supported by the specification. The Office Action also rejects claims 23 and 24 as being anticipated under 35 U.S.C. § 102(b) by Vogel et al. In an effort to promptly pass the application to allowance, Applicants have canceled claims 23 and 24 without prejudice. As the rejection is now moot, withdrawal of the anticipation rejection is respectfully requested.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

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Respectfully submitted,



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